

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:)
CALVIN RAY KENNEDY and) Case No. 20-30208
CYNTHIA M. KENNEDY,)
Debtors.) Chapter 11

)

**RESPONSE TO APPLICATION OF DEBTORS FOR
AUTHORITY TO RETAIN AND EMPLOY
THE HENDERSON LAW FIRM PLLC AS BANKRUPTCY COUNSEL,
PURSUANT TO SECTIONS 327(A), 328 AND 330 OF
THE BANKRUPTCY CODE AND BANKRUPTCY RULE 2014**

The United States Bankruptcy Administrator for the Western District of North Carolina (the “Bankruptcy Administrator”) hereby responds (the “Response”) to the Application of Debtors for Authority to Retain and Employ the Henderson Law Firm PLLC as Bankruptcy Counsel, Pursuant to Sections 327(a), 328 and 330 of the Bankruptcy Code and Bankruptcy Rule 2014 filed on March 15, 2021 [Doc No. 77] (the “Application”) and says:

1. The Debtors filed a voluntary Chapter 11 petition on February 19, 2020 [Doc. No. 1].
2. The Application seeks to employ The Henderson Law Firm PLLC (“Henderson”) as bankruptcy counsel to the Debtors pursuant to 11 U.S.C. § 327(a).
3. The Application is not timely filed. Rule 2014-1 of the Rules of Practice and Procedure of the United States Bankruptcy Court for the Western District of North Carolina addresses the appointment of professional persons and states as follows:

Applications. Absent extraordinary circumstances, attorneys and other professionals will not be appointed nunc pro tunc. Applications for appointment filed within 30 days of the filing of the petition or within 30 days of the date services commence, whichever occurs later, shall be considered timely.

W.D.N.C. Bankr. L.R. 2014-1.

Wherefore, the undersigned requests that the Court hold a hearing on the Application, determine the effective date of Henderson's employment, and grant such other and further relief as the Court deems just and proper.

Dated: April 15, 2021

/s/ Shelley K. Abel
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